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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**DECLARATION OF SARA E. JENKINS
IN SUPPORT OF CISCO'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S REPLY IN
SUPPORT OF ITS MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Beth Labson Freeman

DECLARATION OF SARA E. JENKINS

I, Sara E. Jenkins, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. ("Cisco"). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Cisco's Administrative Motion to File Under Seal Confidential Information in connection with Cisco's Reply in Support of its Motion for Partial Summary Judgment ("Reply."). I make this declaration in accordance with Civil Local Rule 79-5(d)(1)(A).

3. As a Reply in Support of Cisco's Motion for Partial Summary Judgment, Cisco's Reply is considered to be dispositive. In this context, materials may be sealed so long as the party seeking sealing provides "compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-1179 (9th Cir.2006). Compelling reasons for sealing court files generally exist when such "'court files might have become a vehicle for improper purposes,' such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Id.* (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)). Under this standard, compelling reasons have been found to seal documents such as those containing confidential source code (*Apple, Inc. v. Samsung Electronics Co., Ltd.*, Case No. 11-cv-1846, D.I. 2190 at 3 (Dec. 10, 2012); documents related to the "internal procedures for addressing cardholder fraud notifications" of a bank, *id.* at *2-3 (*Cowan v. GE Capital Retail Bank*, No. 13-cv-03935-BLF, 2015 WL 1324848, at *1-3 (N.D. Cal. Mar. 24, 2015)); documents containing "information about [a party's] business performance, structure, and finances that could be used to gain unfair business advantage against them," *Schwartz v. Cook*,

No. 5:15-cv-03347-BLF, 2016 WL 1301186, at *2 (N.D. Cal. Apr. 4, 2016); documents containing “highly sensitive information regarding [a party’s] product architecture and development,” *Delphix Corp. v. Actifio, Inc.*, No. 13–cv–04613–BLF, 2014 WL 4145520, at *2 (N.D. Cal. Aug. 20, 2014); documents in the form of “emails containing information about [a party’s] business practices, recruitment efforts, and discussions regarding potential partnerships with other product manufacturers,” *Koninklijke Philips N.V. v. Elec-Tech International Co., Ltd.*, No. 14–cv–02737–BLF, 2015 WL 581574, at *1-2 (N.D. Cal. Dec. 10, 2015); and documents containing “information regarding non-public recruitment efforts and business practices” of a party, *id.* at *2-3.

4. With its Reply in Support of its Motion for Partial Summary Judgment, Cisco is filing certain materials that were previously designated as confidential by Arista Networks, Inc. (“Arista”). Cisco files this motion to provide Arista the opportunity to file a supporting declaration pursuant to Civil L.R. 79-5(e)(1). Cisco does not claim confidentiality in any of these documents. The documents, and portions of documents, that Cisco seeks to seal through this motion are included in the chart below:

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Cisco’s Reply in Support of its Motion for Partial Summary Judgment	Highlighted Portions	Arista
Exhibits 1-8 to the Declaration of John M. Neukom in Support of Cisco’s Reply in Support of its Motion for Partial Summary Judgment	Entire	Arista

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3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct, and that this declaration was executed in Redwood Shores,
5 California, on July 21, 2016.

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7 /s/ Sara E. Jenkins
8 Sara E. Jenkins
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DECLARATION OF SARA E. JENKINS IN SUPPORT OF
ADMINISTRATIVE MOTION TO FILE UNDER SEAL

SIGNATURE ATTESTATION

Pursuant to Civ. L.R. 5-1(i)(3), the undersigned hereby attests under penalty of perjury that concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of registered ECF User Sara E. Jenkins.

Dated: July 21, 2016

/s/ John M. Neukom
John M. Neukom